

House File 848 - Enrolled

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HOUSE FILE 848

AN ACT

RELATING TO THE CONDUCT OF ELECTIONS AND VOTER REGISTRATION AND INCLUDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I GENERAL PROVISIONS RELATING TO CONDUCT OF ELECTIONS

Section 1. Section 2.27, Code 2007, is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR.

The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election. ~~If an election is necessary under section 69.13 to fill a vacancy in the office of lieutenant governor, the general assembly shall similarly meet on the day it convenes in the January following that election and canvass the vote cast for the office.~~ When the canvass is completed, the oath of office shall be administered to the persons or person so declared elected. Upon being inaugurated the governor shall deliver to the joint assembly any message the governor may deem expedient.

Sec. 2. Section 43.6, subsection 2, Code 2007, is amended to read as follows:

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election. If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

Sec. 3. Section 43.14, Code 2007, is amended to read as follows:

43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.

b. The name of the candidate nominated by the petition.

c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is within the appropriate legislative district, or if that is not true, that the candidate will reside there within sixty days before the election. For other offices, a statement of the name of the county where the candidate resides.

d. The political party with which the candidate is a registered voter.

e. The office sought by the candidate, including the district number, if any.

f. The date of the primary election for which the candidate is nominated.

2. Signatures on a petition page shall be counted only if the ~~required~~ required information required in subsection 1 is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need

3 4 only designate the number of the senatorial or representative
3 5 district, as appropriate, and not the county or counties, in
3 6 which the candidate and the petitioners reside. A signature
3 7 line shall not be counted if the line lacks the signature of
3 8 the eligible elector and the signer's address and city. ~~The~~
~~3 9 person examining the petition shall mark any deficiencies on~~
~~3 10 the petition and affidavit. A signature line shall not be~~
~~3 11 counted if the signer's address is obviously outside the~~
~~3 12 boundaries of the district.~~

3 13 ~~2- 3. The person examining the petition shall mark any~~
3 14 deficiencies on the petition and affidavit. Signed nomination
3 15 petitions and the signed and notarized affidavit of candidacy
3 16 shall not be altered to correct deficiencies noted during
3 17 examination. If the nomination petition lacks a sufficient
3 18 number of acceptable signatures, the nomination petition shall
3 19 be rejected and shall be returned to the candidate.

3 20 4. The nomination papers shall be rejected if the
3 21 affidavit lacks any of the following:

- 3 22 a. The candidate's name.
- 3 23 b. The name of the office sought, including the district,
- 3 24 if any.
- 3 25 c. The political party name.
- 3 26 d. The signature of the candidate.
- 3 27 e. The signature of a notary public or other officer
- 3 28 empowered to witness oaths.

3 29 5. The candidate may replace a deficient affidavit with a
3 30 corrected affidavit only if the replacement affidavit is filed
3 31 before the filing deadline. The candidate may resubmit a
3 32 nomination petition that has been rejected by adding a
3 33 sufficient number of pages or signatures to correct the
3 34 deficiency. A nomination petition and affidavit filed to
3 35 replace rejected nomination papers shall be filed together
4 1 before the deadline for filing.

4 2 Sec. 4. Section 45.5, Code 2007, is amended to read as
4 3 follows:

4 4 45.5 FORM OF NOMINATION PAPERS.

4 5 1. Nomination papers shall include a petition and an
4 6 affidavit of candidacy. All nomination petitions shall be
4 7 eight and one-half by eleven inches in size and shall be in
4 8 substantially the form prescribed by the state commissioner of
4 9 elections. They shall provide spaces for the following
4 10 information:

- 4 11 a. A statement identifying the signers of the petition as
- 4 12 eligible electors of the appropriate ward, city, county,
4 13 school district or school district director district, or
4 14 legislative district and of the state of Iowa.
- 4 15 b. The name of the candidate nominated by the petition.
- 4 16 c. A statement that the candidate is or will be a resident
- 4 17 of the appropriate ward, city, county, school district, or
- 4 18 legislative or other district as required by section 39.27.
- 4 19 d. The office sought by the candidate, including the
- 4 20 district number, if any.
- 4 21 e. The name and date of the election for which the
- 4 22 candidate is nominated.

4 23 2. Signatures on a petition page shall be counted only if
4 24 the ~~required~~ information required in subsection 1 is written
4 25 or printed at the top of the page. Nomination papers on
4 26 behalf of candidates for seats in the general assembly need
4 27 only designate the number of the senatorial or representative
4 28 district, as appropriate, and not the county or counties, in
4 29 which the candidate and the petitioners reside. A signature
4 30 line in a nomination petition shall not be counted if the line
4 31 lacks the signature of the eligible elector and the signer's
4 32 address and city. ~~The person examining the petition shall~~
~~4 33 mark any deficiencies on the petition. A signature line shall~~
~~4 34 not be counted if the signer's address is obviously outside~~
~~4 35 the boundaries of the appropriate ward, city, school district~~
5 1 ~~or school district director district, legislative district, or~~
5 2 ~~other district.~~

5 3 ~~2- 3. The pages of the petition shall be securely~~
5 4 ~~fastened together to form a single bundle. Nomination~~
5 5 ~~petitions that are not bound shall be returned without further~~
5 6 ~~examination. The state commissioner shall prescribe by rule~~
5 7 ~~the acceptable methods for binding nomination petitions.~~

5 8 ~~3- 4. The person examining the petition shall mark any~~
5 9 ~~deficiencies on the petition. Signed nomination petitions and~~
5 10 ~~the signed and notarized affidavit of candidacy shall not be~~
5 11 ~~altered to correct deficiencies noted during the examination.~~
5 12 ~~If the nomination petition lacks a sufficient number of~~
5 13 ~~acceptable signatures, the nomination papers shall be rejected~~
5 14 ~~and returned to the candidate.~~

5 15 5. The nomination papers shall be rejected if the
5 16 affidavit lacks any of the following:
5 17 a. The candidate's name.
5 18 b. The name of the office sought, including the district,
5 19 if any.
5 20 c. The signature of the candidate.
5 21 d. The signature of a notary public or other officer
5 22 empowered to witness oaths.
5 23 6. The candidate may replace a deficient affidavit with a
5 24 corrected one only if the replacement is filed before the
5 25 filing deadline. The candidate may resubmit a nomination
5 26 petition that has been rejected by adding a sufficient number
5 27 of pages or signatures to correct the deficiency. A
5 28 nomination petition and affidavit filed to replace rejected
5 29 nomination papers shall be filed together before the deadline
5 30 for filing.

5 31 Sec. 5. Section 45.6, subsection 3, Code 2007, is amended
5 32 to read as follows:

5 33 3. All signers, for all nominations, of each separate part
5 34 of a nomination petition, shall reside in the appropriate
5 35 ward, city, county, school district or school district
6 1 director district, or legislative district, or other district
6 2 as required by section 45.1.

6 3 Sec. 6. Section 49.8, Code 2007, is amended by adding the
6 4 following new subsection:

6 5 NEW SUBSECTION. 6A. Precinct boundaries established by a
6 6 city council pursuant to section 49.5 or 49.6 and not changed
6 7 under subsections 1 through 5 since the most recent federal
6 8 decennial census, may be redrawn by the city council in
6 9 accordance with sections 49.3 and 49.5 once during the period
6 10 beginning January 1 of the second year following a year in
6 11 which a federal decennial census is taken and ending June 30
6 12 of the year immediately following the year in which the next
6 13 succeeding federal decennial census is taken, if the
6 14 commissioner recommends that the change will effect a
6 15 substantial savings in election costs. Changes made under
6 16 this subsection shall be made not later than ninety-nine days
6 17 before a city primary or runoff election, unless the changes
6 18 will not take effect until January 1 of the next odd-numbered
6 19 year.

6 20 Sec. 7. Section 49.14, subsection 1, Code 2007, is amended
6 21 to read as follows:

6 22 1. The commissioner may appoint substitute precinct
6 23 election officials as alternates for election board members.
6 24 ~~A majority of the original election board members shall be~~
6 25 ~~present at the precinct polling place at all times; at~~
6 26 ~~partisan elections such majority shall include at least one~~
6 27 ~~precinct election official from each political party. If the~~
6 28 ~~chairperson leaves the polling place, the chairperson shall~~
6 29 ~~designate another member of the board to serve as chairperson~~
6 30 ~~until the chairperson returns. The responsibilities and~~
6 31 ~~duties of a precinct election official, other than the~~
6 32 ~~chairperson, present at the time the polling place was opened~~
6 33 ~~on the day of an election may be assumed at any later time~~
6 34 ~~that day by a substitute appointed as an alternate. The~~
6 35 ~~substitute shall serve either for the balance of that election~~
7 1 ~~day or for any shorter period of time the commissioner may~~
7 2 ~~designate. At partisan elections, a substitute precinct~~
7 3 ~~election official assuming the duties of a precinct election~~
7 4 ~~official shall be a member of the same political party as the~~
7 5 ~~precinct election official whose duties are being assumed.~~

7 6 Sec. 8. Section 49.57, subsections 2 and 3, Code 2007, are
7 7 amended to read as follows:

7 8 2. In the area of the general election ballot for straight
7 9 party voting, the party or organization names shall be printed
7 10 in capital upper case and lower case letters of using a
7 11 uniform font size, in for each political party or nonparty
7 12 political organization. The font size shall be not less than
7 13 twelve point type. After the name of each candidate for a
7 14 partisan office the name of the candidate's political party
7 15 shall be printed in at least six point type. The names of
7 16 political parties and nonparty political organizations may be
7 17 abbreviated on the remainder of the ballot if both the full
7 18 name and the abbreviation appear in the "Straight Party" and
7 19 "Other Political Party" areas of the ballot.

7 20 3. The names of candidates shall be printed in capital
7 21 upper case and lower case letters, of using a uniform font
7 22 size throughout the ballot, in. The font size shall be not
7 23 less than ten point type.

7 24 Sec. 9. Section 49.57, Code 2007, is amended by adding the
7 25 following new subsection:

7 26 NEW SUBSECTION. 3A. In no case shall the font size for
7 27 public measures, constitutional amendments, and constitutional
7 28 convention questions, and summaries thereof, be less than ten
7 29 point type.

7 30 Sec. 10. Section 49.57, subsection 5, Code 2007, is
7 31 amended to read as follows:

7 32 5. A portion of the ballot, which can be shown to the
7 33 precinct officials without revealing any of the marks made by
7 34 the voter, shall include the words "Official ballot", ~~a~~
~~7 35 designation of the ballot rotation, if any the unique~~
~~8 1 identification number or name assigned by the commissioner to~~
~~8 2 the ballot style, the date of the election, and a facsimile of~~
8 3 the signature of the commissioner who has caused the ballot to
8 4 be printed pursuant to section 49.51.

8 5 Sec. 11. Section 49.73, subsection 1, paragraph e, Code
8 6 2007, is amended to read as follows:

8 7 e. ~~The Any election conducted for the unincorporated area~~
8 8 ~~of any a county voting on a local option sales and services~~
~~8 9 tax pursuant to section 423B.1.~~

8 10 Sec. 12. Section 49.79, Code 2007, is amended to read as
8 11 follows:

8 12 49.79 CHALLENGES.

8 13 1. Any person offering to vote may be challenged as
8 14 unqualified by any precinct election official or registered
8 15 voter. It is the duty of each official to challenge any
8 16 person offering to vote whom the official knows or suspects is
8 17 not duly qualified. A ballot shall be received from a voter
8 18 who is challenged, but only in accordance with section 49.81.

8 19 2. A person may be challenged for any of the following
8 20 reasons:

8 21 a. The challenged person is not a citizen of the United
8 22 States.

8 23 b. The challenged person is less than eighteen years of
8 24 age as of the date of the election at which the person is
8 25 offering to vote.

8 26 c. The challenged person is not a resident at the address
8 27 where the person is registered. However, a person who is
8 28 reporting a change of address at the polls on election day
8 29 pursuant to section 48A.27, subsection 2, paragraph "a",
8 30 subparagraph (3), shall not be challenged for this reason.

8 31 d. The challenged person is not a resident of the precinct
8 32 where the person is offering to vote.

8 33 e. The challenged person has falsified information on the
8 34 person's registration form or on the person's declaration of
8 35 eligibility.

9 1 f. The challenged person has been convicted of a felony,
9 2 and the person's voting rights have not been restored.

9 3 g. The challenged person has been adjudged by a court of
9 4 law to be a person who is incompetent to vote and no
9 5 subsequent proceeding has reversed that finding.

9 6 Sec. 13. Section 50.16, Code 2007, is amended to read as
9 7 follows:

9 8 50.16 TALLY LIST OF BOARD.

9 9 The tally list shall be prepared in writing by the election
9 10 board giving, in legibly printed numerals, the total number of
9 11 people who cast ballots in the precinct, the total number of
9 12 ballots cast for each ~~officer~~ office, except those rejected,
9 13 the name of each person voted for, and the number of votes
9 14 given to each person for each different office. The tally
9 15 list shall be signed by the precinct election officials, and
9 16 be substantially as follows:

9 17 At an election at in township, or in
9 18 precinct of city or township, in county, state of
9 19 Iowa, on the ... day of ~~A-D~~ .., there were ... ballots
9 20 cast for the office of of which
9 21 (Candidate's name) had .. votes.
9 22 (Candidate's name) had .. votes.
9 23 (and in the same manner for any other officer).

9 24 A true tally list:

9 25 (Name) Election Board
9 26 (Name) Members.
9 27 (Name)

9 28 Attest:

9 29 (Name) Designated
9 30 (Name) Tally Keepers.

9 31 Sec. 14. Section 50.25, subsection 7, Code 2007, is
9 32 amended by striking the subsection.

9 33 Sec. 15. Section 50.25, Code 2007, is amended by adding
9 34 the following new unnumbered paragraph:

9 35 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
10 1 each county office is not required to be made on a different

10 2 sheet.

10 3 Sec. 16. Section 52.25, unnumbered paragraph 2, Code 2007,
10 4 is amended to read as follows:

10 5 The entire convention question, amendment, or public
10 6 measure shall be printed and displayed prominently in at least
10 7 four places within the voting precinct, and inside each voting
10 8 booth, or on the left-hand side inside the curtain of each
10 9 voting machine, the printing to be in conformity with the
10 10 provisions of chapter 49. The question, amendment, or
10 11 measure, and summaries thereof, shall be printed on the
10 12 special paper ballots or on the inserts used in the voting
10 13 machines. In no case shall the font size be less than ten
10 14 point type. The public measure shall be summarized by the
10 15 commissioner ~~and in the largest type possible printed on the~~
10 16 ~~special paper ballots or inserts used in the voting machines,~~
10 17 except that:

10 18 Sec. 17. Section 58.1, Code 2007, is amended to read as
10 19 follows:

10 20 58.1 NOTICE == GROUNDS.

10 21 The contestant for the office of governor ~~or lieutenant~~
10 22 ~~governor~~ shall, within thirty days after the proclamation of
10 23 the result of the election, deliver to the presiding officer
10 24 of each house of the general assembly a notice of intent to
10 25 contest, and a specification of the grounds of such contest,
10 26 as provided in chapter 62.

10 27 Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2,
10 28 Code 2007, are amended to read as follows:

10 29 Write-in votes are permitted to be cast in all elections
10 30 for city offices. A person who receives a sufficient number
10 31 of write-in votes to be elected to a city office shall be
10 32 declared the winner of the election. If a person who was
10 33 elected by write-in votes chooses not to serve in that office
10 34 the person shall submit a resignation in writing to the city
10 35 clerk not later than five ~~o'clock~~ p.m. on the tenth day
11 1 following the canvass of the election. If a person who was
11 2 elected by write-in votes resigns at a later time, the office
11 3 shall be considered vacant at the end of the term and the
11 4 council shall fill the vacancy pursuant to the provisions of
11 5 section 372.13, subsection 2.

11 6 Except in cities where the council has chosen a runoff
11 7 election in lieu of a primary, following the resignation of a
11 8 person who was elected by write-in votes, the city clerk shall
11 9 notify the person who received the next highest number of
11 10 votes cast for the office that the person may assume the
11 11 office. If the person accepts the position, the person shall
11 12 be considered the duly elected officer unless, within ten days
11 13 after the clerk has given notice, a petition requesting a
11 14 special election is filed by eligible electors of the city
11 15 equal in number to twenty-five percent of the number of
11 16 persons who voted for the office at the election. If the
11 17 person declines, the person shall do so in writing to the city
11 18 clerk within ten days and the office shall be considered
11 19 vacant at the end of the term. The vacancy shall be filled
11 20 pursuant to the provisions of section 372.13, subsection 2.
11 21 If the council chooses to appoint, the appointment may be made
11 22 before the end of the current term.

11 23 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

11 24 1. The section of this division of this Act amending
11 25 section 49.8, being deemed of immediate importance, takes
11 26 effect upon enactment and applies to elections held on or
11 27 after January 1, 2008.

11 28 2. The remainder of this division of this Act applies to
11 29 elections held on or after January 1, 2008.

11 30 DIVISION II
11 31 ABSENTEE VOTING

11 32 Sec. 20. Section 39A.4, subsection 1, paragraph c,
11 33 subparagraphs (10), (11), and (12), Code 2007, are amended to
11 34 read as follows:

11 35 (10) As an incumbent officeholder of, or a candidate for,
12 1 an office being voted for at the election in progress, serving
12 2 as a member of a challenging committee or observer under
12 3 section 49.104, subsection 2, 5, or 6, or section 53.23,
12 4 subsection 4.

12 5 (11) Returning a voted absentee ballot, by mail or in
12 6 person, to the commissioner's office and the person returning
12 7 the ballot is not the voter, an immediate family member
12 8 authorized by the voter to return the ballot, an absentee
12 9 ballot courier, a special precinct election official
12 10 designated pursuant to section 53.22, subsection 1, or the
12 11 designee of a voter described in section 53.22, subsection 5.

12 12 (12) Making a false or untrue statement reporting that a

12 13 voted absentee ballot was returned to the commissioner's
12 14 office, by mail or in person, by a person other than the
12 15 voter, an immediate family member authorized by the voter to
12 16 return the ballot, an absentee ballot courier, a special
12 17 precinct election official designated pursuant to section
12 18 53.22, subsection 1, or the designee of a voter described in
12 19 section 53.22, subsection 5.
12 20 Sec. 21. Section 39A.5, subsection 1, paragraph b,
12 21 subparagraph (2), Code 2007, is amended to read as follows:
12 22 (2) ~~Neglecting or refusing to return an absentee ballot in~~
12 23 ~~violation of section 53.35, or violating~~ Violating any other
12 24 provision of chapter 53 for which another penalty is not
12 25 provided.
12 26 Sec. 22. Section 49.63, Code 2007, is amended to read as
12 27 follows:
12 28 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.
12 29 Ballots shall be printed and in the possession of the
12 30 commissioner in time to enable the commissioner to furnish
12 31 ballots to absent voters as provided by sections 53.8, 53.10,
12 32 and 53.11. The printed ballots shall be subject to the
12 33 inspection of candidates and their agents. If mistakes are
12 34 discovered, they shall be corrected without delay, in the
12 35 manner provided in this chapter.
13 1 Sec. 23. Section 53.2, subsections 1 and 4, Code 2007, are
13 2 amended to read as follows:
13 3 1. Any registered voter, under the circumstances specified
13 4 in section 53.1, may on any day, except election day, and not
13 5 more than seventy days prior to the date of the election,
13 6 apply in person for an absentee ballot at the commissioner's
13 7 office or at any location designated by the commissioner.
13 8 However, for those elections in which the commissioner directs
13 9 the polls be opened at noon pursuant to section 49.73, a voter
13 10 may apply in person for an absentee ballot at the
13 11 commissioner's office from eight a.m. until eleven a.m. on
13 12 election day.
13 13 PARAGRAPH DIVIDED. A registered voter may make written
13 14 application to the commissioner for an absentee ballot. A
13 15 written application for an absentee ballot must be received by
13 16 the commissioner no later than five p.m. on the Friday before
13 17 the election. A written application for an absentee ballot
13 18 delivered to the commissioner and received by the commissioner
13 19 more than seventy days prior to the date of the election shall
13 20 be retained by the commissioner and processed in the same
13 21 manner as a written application received not more than seventy
13 22 days before the date of the election.
13 23 4. Each application shall contain the name and signature
13 24 of the registered voter, the registered voter's date of birth,
13 25 the address at which the voter is registered to vote, and the
13 26 name or date of the election for which the absentee ballot is
13 27 requested, and such other information as may be necessary to
13 28 determine the correct absentee ballot for the registered
13 29 voter. If insufficient information has been provided, the
13 30 commissioner shall, by the best means available, obtain the
13 31 additional necessary information.
13 32 Sec. 24. Section 53.7, subsection 1, Code 2007, is amended
13 33 to read as follows:
13 34 1. It shall be unlawful for any employee of the state or
13 35 any employee of a political subdivision to solicit any
14 1 application or request for application for an absentee ballot,
14 2 or to take an affidavit in connection with any absentee ballot
14 3 while the employee is on the employer's premises or otherwise
14 4 in the course of employment. However, any such employee may
14 5 take such affidavit in connection with an absentee ballot
14 6 which is cast by the registered voter in person in the office
14 7 where such employee is employed in accordance with section
14 8 53.10 or 53.11. This subsection shall not apply to any
14 9 elected official.
14 10 Sec. 25. Section 53.8, subsection 2, Code 2007, is amended
14 11 to read as follows:
14 12 2. If an application is received so late that it is
14 13 unlikely that the absentee ballot can be returned in time to
14 14 be counted on election day, the commissioner shall enclose
14 15 with the absentee ballot a statement to that effect. The
14 16 statement shall also point out that it is possible for the
14 17 applicant, an immediate family member of the applicant, or the
14 18 applicant's designee if the absentee ballot is voted by a
14 19 voter described in section 53.22, subsection 5, to personally
14 20 deliver the completed absentee ballot to the office of the
14 21 commissioner at any time before the closing of the polls on
14 22 election day. The statement shall also point out that it is
14 23 possible for an absentee ballot courier to personally deliver

14 24 the completed absentee ballot to the office of the
14 25 commissioner within seventy-two hours of retrieving the
14 26 completed ballot or before the closing of the polls on
14 27 election day, whichever is earlier.

14 28 Sec. 26. Section 53.8, subsection 3, unnumbered paragraph
14 29 3, Code 2007, is amended to read as follows:

14 30 Nothing in this subsection nor in section 53.22 shall be
14 31 construed to prohibit a registered voter who is a hospital
14 32 patient or resident of a health care facility, or who
14 33 anticipates entering a hospital or health care facility before
14 34 the date of a forthcoming election, from casting an absentee
14 35 ballot in the manner prescribed by section 53.10 or 53.11.

15 1 Sec. 27. Section 53.17, subsection 1, paragraph a, Code
15 2 2007, is amended to read as follows:

15 3 a. (1) The sealed carrier envelope may be delivered by
15 4 the registered voter, by an immediate family member of the
15 5 voter, by the special precinct election officials designated
15 6 pursuant to section 53.22, subsection 1, or by the voter's
15 7 designee if the absentee ballot is voted by a voter described
15 8 in section 53.22, subsection 5, to the commissioner's office
15 9 no later than the time the polls are closed on election day.

15 10 (2) If the sealed carrier envelope is delivered by an
15 11 immediate family member of the voter, the immediate family
15 12 member shall, upon delivery of the envelope to the
15 13 commissioner, complete a form provided by the commissioner
15 14 containing the following information:

15 15 (a) The immediate family member's name and address.

15 16 (b) The immediate family member's relationship to the
15 17 voter.

15 18 (c) The serial number on the sealed carrier envelope.

15 19 (d) An attestation stating that the immediate family

15 20 member was authorized by the voter to return the sealed
15 21 carrier envelope.

15 22 (e) The signature of the immediate family member.

15 23 Sec. 28. Section 53.22, subsection 1, paragraph a,
15 24 unnumbered paragraph 1, Code 2007, is amended to read as
15 25 follows:

15 26 A registered voter who has applied for an absentee ballot,
15 27 in a manner other than that prescribed by section 53.10 or
15 28 53.11, and who is a resident or patient in a health care
15 29 facility or hospital located in the county to which the
15 30 application has been submitted shall be delivered the
15 31 appropriate absentee ballot by two special precinct election
15 32 officers, one of whom shall be a member of each of the
15 33 political parties referred to in section 49.13, who shall be
15 34 appointed by the commissioner from the election board panel
15 35 for the special precinct established by section 53.20. The
16 1 special precinct election officers shall be sworn in the
16 2 manner provided by section 49.75 for election board members,
16 3 shall receive compensation as provided in section 49.20 and
16 4 shall perform their duties during the ten calendar days
16 5 preceding the election and on election day if all ballots
16 6 requested under section 53.8, subsection 3, have not
16 7 previously been delivered and returned.

16 8 Sec. 29. Section 53.23, subsection 3, unnumbered paragraph
16 9 1, Code 2007, is amended to read as follows:

16 10 The commissioner shall set the convening time for the
16 11 board, allowing a reasonable amount of time to complete
16 12 counting all absentee ballots by ten p.m. on election day.
16 13 The commissioner may direct the board to meet on the day
16 14 before the election solely for the purpose of reviewing the
16 15 absentee voters' affidavits appearing on the sealed ballot
16 16 envelopes. If in the commissioner's judgment this procedure
16 17 is necessary due to the number of absentee ballots received,
16 18 the members of the board may open the sealed ballot envelopes
16 19 and remove the secrecy envelope containing the ballot, but
16 20 under no circumstances shall a secrecy envelope be opened
16 21 before the board convenes on election day. If the ballot
16 22 envelopes are opened before election day, two observers, one
16 23 appointed by each of the two political parties referred to in
16 24 section 49.13, subsection 2, shall witness the proceedings.
16 25 The observers shall be appointed by the county chairperson or,
16 26 if the county chairperson fails to make an appointment, by the
16 27 state chairperson. However, if either or both political
16 28 parties fail to appoint an observer, the commissioner may
16 29 continue with the proceedings.

16 30 Sec. 30. Section 53.31, unnumbered paragraph 1, Code 2007,
16 31 is amended to read as follows:

16 32 Any person qualified to vote at the election in progress
16 33 may challenge the qualifications of a person casting an
16 34 absentee ballot by submitting a written challenge to the

16 35 commissioner no later than five p.m. on the ~~day~~ Friday before
17 1 the election. It is the duty of the special precinct
17 2 officials to challenge the absentee ballot of any person whom
17 3 the official knows or suspects is not duly qualified.
17 4 Challenges by members of the special precinct election board
17 5 or observers present pursuant to section 53.23 may be made at
17 6 any time before the close of the polls on election day. The
17 7 challenge shall state the reasons for which the challenge is
17 8 being submitted and shall be signed by the challenger. When a
17 9 challenge is received the absentee ballot shall be set aside
17 10 for consideration by the special precinct election board when
17 11 it meets as required by section 50.22.

17 12 Sec. 31. Section 53.37, Code 2007, is amended to read as
17 13 follows:

17 14 53.37 DEFINITIONS.

17 15 1. This division is intended to implement the federal
17 16 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. }
17 17 1973ff et seq.

17 18 2. The term "armed forces of the United States", as used
17 19 in this division, shall mean the army, navy, marine corps,
17 20 coast guard, and air force of the United States.

17 21 3. For the purpose of absentee voting only, there shall be
17 22 included in the term "armed forces of the United States" the
17 23 following:

17 24 ~~1-~~ a. Spouses and dependents of members of the armed
17 25 forces while in active service.

17 26 ~~2-~~ b. Members of the merchant marine of the United States
17 27 and their spouses and dependents.

17 28 ~~3-~~ c. Civilian employees of the United States in all
17 29 categories serving outside the territorial limits of the
17 30 several states of the United States and the District of
17 31 Columbia and their spouses and dependents when residing with
17 32 or accompanying them, whether or not the employee is subject
17 33 to the civil service laws and the Classification Act of 1949,
17 34 and whether or not paid from funds appropriated by the
17 35 Congress.

18 1 ~~4-~~ d. Members of religious groups or welfare agencies
18 2 assisting members of the armed forces, who are officially
18 3 attached to and serving with the armed forces, and their
18 4 spouses and dependents.

18 5 ~~5-~~ e. Citizens of the United States who do not fall under
18 6 any of the categories described in subsections 1 to 4, but who
18 7 are entitled to register and vote pursuant to section 48A.5,
18 8 subsection 4.

18 9 4. For the purposes of this division, "qualified voter"
18 10 means a person who is included within the term "armed forces
18 11 of the United States" as described in this section, who would
18 12 be qualified to register to vote under section 48A.5,
18 13 subsection 2, except for residency, and who is not
18 14 disqualified from registering to vote and voting under section
18 15 48A.6.

18 16 Sec. 32. Section 53.38, Code 2007, is amended to read as
18 17 follows:

18 18 53.38 WHAT CONSTITUTES REGISTRATION.

18 19 Whenever a ballot is requested pursuant to section 53.39 or
18 20 53.45 on behalf of a voter in the armed forces of the United
18 21 States, the affidavit upon the ballot envelope of such voter,
18 22 if the voter is found to be an eligible elector of the county
18 23 to which the ballot is submitted, shall constitute a
18 24 sufficient registration under chapter 48A. A completed
18 25 federal postcard registration and federal absentee ballot
18 26 request form submitted by such eligible elector shall also
18 27 constitute a sufficient registration under chapter 48A. The
18 28 commissioner shall place the voter's name on the registration
18 29 record as a registered voter if it does not already appear
18 30 there. The identification requirements of section 48A.8 and
18 31 the verification requirements of section 48A.25A do not apply
18 32 to persons who register to vote under this division.

18 33 Sec. 33. Section 53.41, Code 2007, is amended to read as
18 34 follows:

18 35 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS OR
19 1 BALLOTS.

19 2 1. The commissioner of each county shall establish and
19 3 maintain a record of all requests for ballots which are made,
19 4 and of all ballots transmitted, and the manner of transmittal,
19 5 from and received in the commissioner's office under the
19 6 provisions of this division.

19 7 2. If more than one request for absent voter's ballot for
19 8 a particular election is made to the commissioner before the
19 9 ballots are ready to mail by or on behalf of a voter in the
19 10 armed forces of the United States, the last request ~~first~~

19 11 received shall be honored, except that if one of the requests
19 12 is made by the voter, ~~and a request on the voter's behalf has~~
~~19 13 not been previously honored,~~ the request of the voter shall be
19 14 honored in preference to a request made on the voter's behalf
19 15 by another.

19 16 3. Not more than one ballot shall be transmitted by the
19 17 commissioner to any voter for a particular election unless
19 18 after the ballot has been mailed the voter reports a change in
19 19 the address to which the ballot should be sent. A ballot
19 20 shall be mailed using a serial number that indicates that this
19 21 is a replacement sent to an updated address. The original
19 22 ballot shall be counted only if the replacement ballot does
19 23 not arrive. If the commissioner receives more than one absent
19 24 voter's ballot, provided for by this division, from or
19 25 purporting to be from any one voter for a particular election,
19 26 all of the ballots so received from or purporting to be from
19 27 such voter are void, and the commissioner shall not deliver
19 28 any of the ballots to the precinct election officials, but
19 29 shall retain them in the commissioner's office, and preserve
19 30 them for the period and under the conditions provided for in
19 31 sections 50.12 through 50.15 and section 50.19.

19 32 Sec. 34. Section 53.49, Code 2007, is amended to read as
19 33 follows:

19 34 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

19 35 The provisions of this division as to absent voting shall
20 1 apply only to absent voters in the armed forces of the United
20 2 States as defined for the purpose of absentee voting in
20 3 section 53.37. The provisions of sections 53.1 through ~~53.35~~
20 4 ~~53.34~~ shall apply to all other voters not members of the armed
20 5 forces of the United States.

20 6 Sec. 35. Section 53.53, subsection 4, paragraph a, Code
20 7 2007, is amended to read as follows:

20 8 a. The ballot was submitted from within the United States,
~~20 9 unless the voter is a member of the armed forces of the United~~
~~20 10 States as described in section 53.37, subsection 2, on active~~
~~20 11 duty, and away from the voter's county of residence for~~
~~20 12 purposes of serving on active duty.~~

20 13 Sec. 36. Section 53.53, subsection 4, paragraph b, Code
20 14 2007, is amended to read as follows:

20 15 b. The voter's application for a regular absentee ballot
20 16 was received by the commissioner less than ~~thirty~~ fourteen
20 17 days prior to the election.

20 18 Sec. 37. Section 53.35, Code 2007, is repealed.

20 19 Sec. 38. APPLICABILITY DATE. This division of this Act
20 20 applies to elections held on or after January 1, 2008.

20 21 DIVISION III
20 22 VOTER REGISTRATION

20 23 Sec. 39. Section 48A.2, Code 2007, is amended by adding
20 24 the following new subsection:

20 25 NEW SUBSECTION. 6. "Voter registration list" means a
20 26 compilation of voter registration records produced, upon
20 27 request, from the electronic voter registration file or by
20 28 viewing, upon request, the original, completed voter
20 29 registration applications and forms.

20 30 Sec. 40. Section 48A.5, subsection 2, paragraph c, Code
20 31 2007, is amended to read as follows:

20 32 c. Be at least eighteen years of age. Completed
20 33 registration forms shall be accepted from registrants who are
20 34 at least seventeen and a half years of age; however, the
20 35 registration shall not be effective until the registrant
21 1 reaches the age of eighteen. The commissioner of registration
21 2 shall ensure that the birth date shown on the registration
21 3 form is at least seventeen and one-half years earlier than the
21 4 date the registration is processed.

21 5 Sec. 41. Section 48A.11, subsection 8, Code 2007, is
21 6 amended to read as follows:

21 7 8. A voter registration application lacking the
21 8 registrant's name, sex, date of birth, ~~or~~ residence address or
21 9 description, or signature shall not be processed. A voter
21 10 registration application lacking the registrant's Iowa
21 11 driver's license number, Iowa nonoperator's identification
21 12 card number, or the last four digits of the registrant's
21 13 social security number shall not be processed. A registrant
21 14 whose registration is not processed pursuant to this
21 15 subsection shall be notified pursuant to section 48A.26,
21 16 subsection 3. A registrant who does not have an Iowa driver's
21 17 license number, an Iowa nonoperator's identification number,
21 18 or a social security number and who notifies the registrar of
21 19 such shall be assigned a unique identifying number that shall
21 20 serve to identify the registrant for voter registration
21 21 purposes.

21 22 Sec. 42. Section 48A.25A, unnumbered paragraph 3, Code
21 23 2007, is amended to read as follows:
21 24 This section does not apply to persons described in section
21 25 53.37 who are entitled to register to vote and to vote
21 26 pursuant to section 48A.5, subsection 4.
21 27 Sec. 43. APPLICABILITY DATE. This division of this Act
21 28 applies to elections held on or after January 1, 2008.
21 29
21 30

21 31
21 32 _____
21 33 PATRICK J. MURPHY
21 34 Speaker of the House
21 35

22 1
22 2 _____
22 3 JOHN P. KIBBIE
22 4 President of the Senate

22 5 I hereby certify that this bill originated in the House and
22 6 is known as House File 848, Eighty-second General Assembly.
22 7
22 8

22 9
22 10 _____
22 11 MARK BRANDSGARD
22 12 Chief Clerk of the House

22 12 Approved _____, 2007
22 13
22 14

22 15 _____
22 16 CHESTER J. CULVER
22 17 Governor